

Application No. 09/727,632  
Amendment dated November 10, 2003  
Reply to Office Action dated July 10, 2003

### **REMARKS**

Claims 1, 3, 15 and 17 have been cancelled by this office action, without prejudice to reassert them in a continuing application. Claims 2, 4-14, 16, and 18-30 remain in this application, with the present amendment amending claims 5, 19 and 29 to place them in independent form.

Applicant had previously submitted a preliminary amendment which was not entered by the Examiner because the marked up copy of the changes to the specification and the clean copy did not match. The present amendment rectifies this error. As noted in the preliminary amendment previously submitted, no new matter has been entered. The correct formula appears in several source code files forming a part of the specification as originally filed. For example, a printout of a file named CALCTGTS.C is attached. Comments on line 63 recited "Compute the pitch component using the raw angle and range to the target." A "CalculatePitchComponent" subroutine at line 64 of the printout initiates a pitch component calculation and passes an angle and a range to the "CalculatePitchComponent" subroutine. The "CalculatePitchComponent" subroutine begins on line 285 and includes " $z = \text{Range} * \sin(\text{PitchAngle})$ " formula. The "CalculatePitchComponent" subroutine returns "z" as the pitch component at line 299.

At line 170, a height is calculated with a "CalculateHeight" subroutine call. The "CalculateHeight" subroutine begins at line 366 and includes a " $\text{height} += \text{pitchComp}$ " formula at line 371, where the previously calculated pitch component is added to the height. The "CalculateHeight" subroutine returns the height at line 375.

Accordingly, the present amendment does not add any new matter but merely conforms the specification at page 17 with the source code. Therefore, it is requested that the amendment be entered by this submission.

In the first Office Action, the examiner indicated claims 1, 2 and 20 were rejected under 35 U.S.C. §112. Applicant has incorporated the limitations of claims 1 and 3 into claim 5 and the limitations of claims 15 and 17 into claim 19. In the amendment, applicant has also clarified the language to indicate that the laser assembly referenced previously at line 6 of claim 1 has an antecedent basis and thus the objections to claims 1 and 2, as well as the other claims, have been overcome. In addition, applicant has provided an antecedent basis for the laser assembly and detector in claim 20.

Applicant appreciates the recognition that claims 5 and 19 presented allowable subject matter over the prior art. Without limiting any future applications which may be filed by way of a continuing application, applicant has amended claims 5 and 19 to now be in independent form, including the limitations of claims 1 and 3, and claims 15 and 17, respectively (and including the amendments to address the §112 rejections.) In addition, the distinguishing limitation of claim 5 has now been incorporated in claim 29. All three of the currently pending independent claims are thus believed to be allowable based on the comments of the examiner in the first office action.

Applicant also notes that the remaining claims (other than claim 30) have been amended to depend, either directly or indirectly, from claims 5 and 19. Claim 14 has also been amended to depend from 13 instead of claim 11 to provide the necessary antecedent basis for the plural “targets” recited therein.

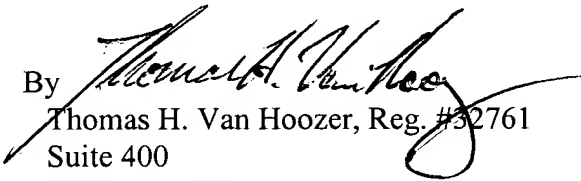
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For all of the foregoing reasons, applicant submits that the specification and the claims are now in proper form, and that all of the claims define patentably over the prior art. Accordingly, early issuance of the Notice of Allowance is courteously requested. Applicant submits herewith a check and petition for a one month extension of time. Should any additional fees be due in connection with this submission, they may be charged to deposit account 19-0522. Any issues which remain and may be resolved by a telephone conference may directed to the undersigned at 1-800-445-3460.

Respectfully submitted,

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**Appendix**

Applicants submit herewith an Appendix which consists of eight pages of source code printed out from the source code provided on diskette as originally filed with the application.